

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA ENVIRONMENTAL QUALITY BOARD**

**In the Matter of The Exemption
Application By Minnesota Power For A
345/230 kV High Voltage Transmission
Line Known As The Arrowhead Project
MEQB Docket No. MP-HVTL-EA-1-99**

THIRD PREHEARING ORDER

A fourth prehearing conference in the above-entitled matter was held on Monday, May 22, 2000, at 1:30 P.M. at the Office of Administrative Hearings, 100 Washington Avenue South, Minneapolis, Minnesota. Several parties participated in the prehearing conference by telephone conference call.

All parties on the attached Service List had the opportunity to participate in person or by telephone in the prehearing conference.

Based upon discussions with counsel and parties the following matters are now resolved and constitute the THIRD PREHEARING ORDER of the Administrative Law Judge. IT IS HEREBY ORDERED AS FOLLOWS:

1. **The hearing schedule is modified as follows:** The hearing shall commence on Monday, August 28, 2000 at 9:00 a.m. at the Black Woods Conference Center, Proctor, MN. The Black Woods Conference Center is associated with the AmericInn Motel and the Black Woods Restaurant. The Conference Center has a large room seating 260, which can be divided in half for evidentiary hearings. There are telephones, photocopy service, and a facsimile machine available. The motel has plenty of rooms available for out of town parties. The Conference Center is located reasonably close to the Arrowhead Line project site. The hearing will recess on August 28th at 5:00 p.m. and will recommence for a public hearing at 7:00 p.m. at the same location. The 7:00 p.m. session will focus on interested members of the public who wish to offer comment or ask questions relevant to the Exemption Application and the identified issues of the hearing. The evening session will continue until all persons have had the opportunity to be heard, but no later than 10:30 p.m. The evidentiary hearing will continue at 9:00 a.m. on Tuesday, August 28 through Friday September 1, 2000. The same schedule of adjourning and recommencing for a public hearing will be followed on Tuesday, August 28. In the event that the hearing is not completed by Friday, September 1, the evidentiary hearing will continue at the Black Woods Conference Center, beginning at 9:00 a.m. each day on September 5 through September 8 as necessary. A third public

hearing, if needed, will be on Saturday, September 9, at a time and location to be determined. In the event that additional days of evidentiary hearings are needed, they will be scheduled for September 11 through September 13, with the time and location to be determined during the hearing. Any decision to hold additional hearing dates, both public and evidentiary will be announced as soon as possible during the hearing and posted as soon as possible on the OAH website. The hearing will adjourn when all interested persons have had an opportunity to be heard.

2. **The Request for Information schedule is modified as follows:** All requests for information shall be made in writing to the person from whom the information is sought. No such request shall be provided to the Administrative Law Judge. The party responding to the information request shall provide the information requested by facsimile transmission to the requesting party within seven (7) days after the date the request is received. All requests and responsive information shall be supplied to the MEQB staff, but need not be supplied as a matter of course to all other parties. In the event that the information cannot be supplied within seven (7) days, the responding party shall notify the requesting party and/or their counsel in writing within three (3) days of the request of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of information requests or responses may be submitted to the Administrative Law Judge by motion. The last day to submit a request for information is July 10, 2000. The last day for responses is July 17, 2000. Information requests may be submitted by facsimile. Minnesota Power's fax number has been identified as (218) 723-3955.
3. **The schedule for prefiled testimony is modified as follows:** All parties shall prefile and serve their direct and/or rebuttal testimony by August 4, 2000. That deadline is met by mailing the testimony on or before that date. Any surrebuttal testimony may be submitted orally at the hearing. Rebuttal and surrebuttal testimony will be strictly limited to the scope of the prefiled direct and rebuttal testimony.
4. Supplemental discovery requests must be delivered by the requesting party no later than August 11, 2000. Responses to supplemental discovery requests must be made no later than August 18, 2000. Responses may be made by facsimile transmission.
5. **The motion deadline is modified as follows:** Any application to the ALJ for an order shall be by motion which, unless made during a hearing, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. All motions must be filed and served consistent with Minn. R. 1400.6600 and no later than August 14, 2000. Replies to motions filed must be filed and served no later than August 21, 2000, at the beginning of the final prehearing conference. Service may be made by facsimile transmission.
6. **The exchange of proposed exhibit and witness lists is modified as follows:** The parties shall prepare proposed exhibit and witness lists (unless attached to the prefiled testimony submitted earlier). Any proposed witness list shall include a brief

description of the anticipated testimony of each witness and the order of presentation of each witness. These proposed exhibit and witness lists must be exchanged at or before the final prehearing conference.

7. **The stipulation deadline is modified as follows:** To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Stipulations shall be discussed at the final prehearing conference.
8. The order of testimony, cross examination and questions in this proceeding will be determined at the final prehearing conference. That prehearing conference will be held at the Office of Administrative Hearings, with the option for telephone conference call participation, on August 21, 2000, at 1:30 p.m.
9. Minnesota Power has requested the services of a court reporter at the hearing and has requested the preparation of a hearing transcript. The hearing transcript is a public document and will be available for review at the OAH during normal business hours, after it is received by the ALJ. After a Report is issued, the entire record and transcript will be available for review at the MEQB. The MEQB makes available limited numbers of transcripts for public use at local libraries in the vicinity of the project. Any party, intervenor or interested person may obtain a copy of the transcript but must pay the cost of transcript preparation.
10. A website has been established for the posting of information concerning this proceeding. Information which may be posted includes: hearing notices, scheduling orders, motions, responses to motions, orders on motions, maps and directions, and any other information relevant to the proceedings that the ALJ determines should be placed on the web site. The web site may provide links to newspaper organizations that report on the proceedings. The website may be accessed on the Internet at the following url: <http://www.oah.state.mn.us>.
11. This Order may be modified upon reasonable stipulation of the parties and notification to the ALJ or upon written motion for good cause shown.

Dated this 26th day of May, 2000.

/s/ Kenneth A. Nickolai
KENNETH A. NICKOLAI
Administrative Law Judge

Arrowhead Transmission Line Project
Service List and Facsimile Numbers
OAH Docket No. 10-2901-12620-2

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